UNITED STATES PATENT AND TRADEMARK OFFICE

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10/692,143	10/23/2003	Kulvir Singh Bhogal	AUS920030492US1	9523

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EXAMINER
KUMAR, ANIL N

ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	**Application No.**	**Applicant(s)**
	10/692,143	BHOGAL, KULVIR SINGH
	Examiner	**Art Unit**	
	Anil N. Kumar	2174	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _8 Aug 2007_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _8 and 10-21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _8 and 10-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on August 8th, 2007. Claims

(8 and 10-21) are pending and have been considered below.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 8 and 10-21 are rejected under 35 U.S.C. 102(b) as being unpatentable

over Cheng et al. (US 6,151,643).

Claims 8 and 15: Cheng et al. disclose an apparatus for deploying/updating

software, comprising;

- A processor (service provider computer system 102, Fig. 1);

- A memory for storing program instructions executable on the processor to

  perform the steps of:

  - providing a Web site on a computer system coupled to a network for

    presenting a user with an interface, wherein the computer system has an

    array of pre-built, post-load images/executables stored thereon for

combinations of hardware and the software that the user may select (i.e. ...

system for updating diverse software products... col 6 lines 11-30 and Fig. 1),

the respective post-load images being substantially identical to respective

mages resulting on a target computer system hard drive from an installation

process of corresponding pre-load images, so that the respective post-load

images include software application configuration information, files from the

corresponding pre-load images, and links to drivers for hardware of the target

system (software update information includes applications, binary files, text

files, and the like, col 6 lines 31-40);

- receiving from the user a selection of software applications for deploying to a

  target computer system; (i.e. ...user may select one or more software

  products ... col 8 line 21-31 and Fig. 4 under Application select box) ;

- receiving from the user a selection of hardware for the target system and

  responsively determining what drivers correspond to the indicated hardware;

  (i.e. ...user may select one or more software products ... col 8 line 21-31 and

  Fig. 4 under Application/Driver select box) ;

- and selecting a certain one of the post-load images, wherein the selected

  image has the software applications selected by the user and the drivers for

  the hardware selected by the user (i.e. ... displays the list of applicable

  software... col 7 lines 62-64 and Fig. 4);

- receiving a first order from the user for the certain image of the selected

  software applications deployable to the target system hardware, including a

selection by the user of a method for delivery of the selected image; (i.e. ...

for each selected software update... col 8 lines 32-36 and Fig. 5);

- and sending the user a loading utility with the selected image, wherein such a

  loading utility enables transferring the post-load image to the target computer

  system (i.e...., client application downloads the software updates... col 8 lines

  36-43) without relying on the target computer system having an operating

  system shell or boot diskette (i.e. sending a physical media to the client, like

  preconfigured OS with applications that can be installed manually).

Claim 16: <u>Cheng et al.</u> disclose a method for deploying/updating software, as in

claim 15 above. Furthermore, <u>Cheng et al.</u> disclose

- receiving a first order from the user for the certain image of the selected

  software applications deployable to the target system hardware, including a

  selection by the user of a method for delivery of the selected image; (i.e. ...

  for each selected software update... col 8 lines 32-36 and Fig. 5)

- and sending the user a loading utility with the selected image, wherein such a

  loading utility enables transferring the post-load image to the target computer

  system (i.e.... client application downloads the software updates... col 8 lines

  36-43) without relying on the target computer system having an operating

  system shell or boot diskette (i.e. sending a physical media to the client, like

  preconfigured OS with applications that can be installed manually).

Claims 10 and 17: Cheng et al. disclose a method for deploying/updating software, as in claims 8 and 16 above, respectively. Furthermore, Cheng et al. disclose wherein the sending of the loading utility with the selected image further includes sending the loading utility on bootable media, and wherein the utility further includes instructions for causing the target system to transfer the image to a hard drive of the target system responsive to the target system booting to the utility on the bootable media when the target system is turned on (i.e..... client application performs the installation, executing any necessary decompression, installation, or setup applications necessary to install... col 9 lines 3-10 and Fig. 2).

Claims 11 and 18: Cheng et al. disclose a method for deploying/updating software, as in claims 8 and 16 above, respectively. Furthermore, Cheng et al. disclose

- maintaining a record of the order for the software applications and drivers included in the certain image that is sent, wherein the record is associated with an order identifier and user identifier; (i.e. ... specifies one exemplary schema of the user profile database... col 10 lines 33-44 and Fig.14)
- receiving a second order for the user, including the user or order identifier; retrieving the record for the first order responsive to the user or order identifier; (i.e. ...user logs in... to determine the list of installed software products... col 7 lines 11-56 and Fig. 2)

- presenting a list of the software applications and drivers included in the

  certain image that was sent for the first order; (i.e. ...displays the list of

  applicable software... col 7 lines 62-64 and Fig. 2)

- and receiving a selection indicating ones of the software programs of the first

  order to update for the second order or indicating software programs for the

  second order in addition to those of the first order. (i.e..... for selected

  software client software performs an installation... col 8 lines 32-33)

Claims 12 and 19: Cheng et al. disclose a method for deploying/updating

software, as in claims 8 and 16 above, respectively. Furthermore, Cheng et al.

disclose

- maintaining a record of the order for the software applications and drivers

  included in the certain image that is sent, wherein the record is associated

  with an order identifier and user identifier; (i.e. ... specifies one exemplary

  schema of the user profile database... col 10 lines 33-44 and Fig.14)

- receiving a second order for the user, including the user or order identifier;

  retrieving the record for the first order responsive to the user or order

  identifier; (i.e. ...user logs in... to determine the list of installed software

  products... col 7 lines 11-56 and Fig. 2)

- and presenting, responsive to the user or order identifier, a list of suggested

  updates for the software programs of the first order (i.e. ...illustrates a sample

user interface display of applicable software updates... ... col 7 lines 64-66

and Fig. 4)

Claims 13 and 20: Cheng et al. disclose a method for deploying/updating

software, as in claims 8 and 16 above, respectively. Furthermore, Cheng et al.

disclose

- maintaining a record of the order for the software applications and drivers

    included in the certain image that is sent, wherein the record is associated

    with an order identifier and user identifier; (i.e. ... specifies one exemplary

    schema of the user profile database... col 10 lines 33-44 and Fig.14)

- receiving a second order for the user, including the user or order identifier;

    retrieving the record for the first order responsive to the user or order

    identifier; (i.e. ...user logs in... to determine the list of installed software

    products... col 7 lines 11-56 and Fig. 2)

- and presenting, responsive to the user or order identifier, a list of suggested

    updates for the software programs for the second order in addition to first

    order (i.e. ...illustrates a sample user interface display of applicable software

    updates... ... col 7 lines 64-66 and Fig. 4. Note the repetitive nature of the

    flow diagram in Fig. 2, that clearly demonstrates the process for second or

    third time the user is requesting updates.)

Claims 14 and 21: <u>Cheng et al.</u> disclose a method for deploying/updating

software, as in claims 8 and 16 above, respectively. Furthermore, <u>Cheng et al.</u>

disclose

- maintaining a record of the order for the software applications and drivers

  included in the certain image that is sent, wherein the record is associated

  with an order identifier and user identifier; (i.e. ... specifies one exemplary

  schema of the user profile database... col 20 lines 33-44 and Fig.14)

- receiving a second order for the user, including the user or order identifier (i.e.

  ...user logs in 201..., Fig. 2) ;

- retrieving the record for the first order responsive to the user or order

  identifier; (i.e... to determine the list of installed software products... col 7

  lines 11-56 and Fig. 2)

- receiving user information that informs the computer system about needs of

  the user; (i.e. see Figs. 3 and 13a-13e)

- maintaining a profile of the user, wherein the profile is associated with the

  user identifier and the received user information; (i.e. ... specifies one

  exemplary schema of the user profile database ... col 20 lines 33-59 and Fig.

  14)

- and presenting, responsive to the user information, a list of suggested

  updates for the software programs of the first order or a list of suggested

  software programs for the second order in addition to those of the first order

(i.e. ...the user may limit the list to only those software products that need

updating... ... col 8 lines 10-20 and Figs. 2 ,4)

Response to Arguments

4.   Applicant's arguments filed on August 8th, 2007 have been fully considered but

they were found not persuasive.

5.   Applicant argues, "Cheng does not teach or suggest that a first computer system

presents user with an interface for selecting an array of pre-built, post-load images

stored thereon for combinations of hardware and software". The examiner respectfully

disagrees. Cheng discloses a first computer system (service provider computer system

102, Fig.1) which presents user (client computer 101, Fig. 1) with an interface for

selecting an array or pre-built, post-load images stored thereon for combinations of

hardware and software (Figs. 4-6). As can be seen from Fig. 1, Cheng's system

provides interface to access software products manufactured by diverse, unrelated

software vendors. Therefore it is clearly possible for one of these vendors to provide a

product that is pre-built, post-load image for a specific platform, as Cheng's system can

also analyze the client computer or prompt the client to provide the necessary

information.

6.   Applicant argues, "a post-load image is not the same as a 'software application'".

The examiner respectfully disagrees. A pot-load image, as described by the applicant

(software application configuration information, files from the corresponding pre-load

images, and links to drivers for hardware of target system) is still an image, just like any

software product. Based on the type of software product, such as, an operating system,

which may be bundled with hardware drivers, or application software, which may

include configuration files, or for special deployment, any combination of all the

necessary software may as well be packaged together.

7.   Applicant argues, "Cheng does not meet the limitations, sending the user a

loading utility with the selected image, wherein such a loading utility enables transferring

the post-load image to the target computer system without relying on the target

computer system having an operating system shell or boot diskette". The examiner

respectfully disagrees. Cheng clearly anticipates the need to install software products

on a stand-alone computer, and teaches the use of computer readable media, such as

a CD-ROM, diskette, 8mm tape. (col 13 lines 40-45)

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anil N. Kumar whose telephone number is (571) 270-

1693. The examiner can normally be reached on Wednesdays and alternate Mon-Tue

and Thu-Fri EST (Alternate Mon-Tue and Thu-Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANK

8/13/2007

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